

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

Jimmie Lewis

v.

CA. NO. 04-1350(GMS)

DR. SYLVIA FOSTER, ET AL.



MOTION FOR ORDER OF <sup>BD scanner</sup>  
DECLARATION FOR THE  
DEFENDANT DR. SYLVIA FOSTER'S  
CONTEMPT OF COURT ORDER'S  
DATED JULY 28, 06, DE. 72 AND  
SEPT 27, 06 DE. 83,  
PURSUANT TO RULE 37.

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DATE : 1/04/07

Jimmie Lewis  
SBI # 506622  
DEL. CORR. CENTER  
1181 PADDOCK RD  
SMYRNA, DE 19977

- 1.) ON DEC 18, 2006 THE DEFENDANT DR. SYLVIA FOSTER'S ATTORNEY CAROL J. ANTUFF INSTRUCTED AN ATTORNEY FROM HER FIRM; REGER - RIZZO - KAVULICH AND DARNALL, LLP 1001 JEFFERSON PLAZA, SUITE 202, WILMINGTON, DELAWARE 19801, TO DEPOSE THE PLAINTIFF WITHOUT AN OFFICIAL COURT ORDER AND OR A NOTICE OF DEPOSITION BEING FILED WITH THE CLERK OF THE COURT (GMS)
- 2.) DURING THE DEC 18, 2006 DEPOSITION THAT THIS HONORABLE COURT AUTHORIZED DEPUTY ATTORNEY GENERAL GREGORY E. SMITH VIA MOTION TO TAKE DEPOSITION OF THE PLAINTIFF FILED 7/28/06, SAID ORDER WAS GRANTED 8/9/06 DI. 73, 74, THE PLAINTIFF OBJECTED TO BEING DEPOSED BY THE DEFENDANT DR. SYLVIA FOSTER - CAROL J. ANTUFF AND OR THE ATTORNEY SENT AS A REPRESENTATIVE, AT WHICH TIME THE PLAINTIFF INFORMED SAID REPRESENTATIVE THAT HE WAS IN VIOLATION OF THE 7/28/06 SCHEDULING ORDER, DUE TO FAILING TO FILE APPLICATION BY MOTION TO DEPOSE THE PLAINTIFF.

CONT # 2}. THE PLAINTIFF WENT ON TO FURTHER INFORM SAID REPRESENTATIVE SENT TO DEPOSE THE PLAINTIFF BY CAROL J. ANTOFF ATTORNEY FOR DEFENDANT DR. SYLVIA FOSTER, THAT DR. FOSTER FILED MOTION FOR PROTECTIVE ORDER ON 9/26/06 - DI. 82, GRANTED ON 9/27/06 DI. 83, AND THAT THE DEFENDANT HAS FAILED TO ADHERE TO THE PLAINTIFF'S DISCOVERIES # 5 II DI. 85, III DI. 86, IV DI. 87, V DI. 91, VI DI. 95, AND VII DI 99, AND IN RETROSPECT, THE PLAINTIFF EXPLAINED THAT HE RESERVED THE RIGHT TO ANSWER QUESTIONS PRESENTED, DUE TO THE QUESTIONS BEING INTRICATELY PRESENTED IN SUCH A MANNER THAT THE PLAINTIFF WOULD HAVE BEEN ANSWERING AND OR EXPECTED TO ANSWER QUESTIONS THAT CONTAIN EVIDENCE THAT THE PLAINTIFF IS PRESENTLY SEEKING FROM THE DEFENDANT DR. SYLVIA FOSTER VIA DISCOVERY, BUT THE REPRESENTING ATTORNEY PERSISTED WITH DEPOSING THE PLAINTIFF.

3.) ATTORNEY FOR THE DEFENDANTS, JOHNSON, GRAY, SAGERS AND MOFFETT, DEPUTY ATTORNEY GENERAL GREGORY E. SMITH ASSISTED THE ATTORNEY FOR DEFENDANT DR. FOSTER BY INFORMING THE PLAINTIFF THAT THE DEPOSITION IS A PROCEDURE THAT IS CONDUCTED IN ORDER TO OBTAIN EVIDENCE, FOR WHICH WAS IN CONJUNCTION RE-ESTABLISHED BY THE ATTORNEY FOR DEFENDANT DR. FOSTER, (A MEETING OF THEIR MINDS), AS WELL AS DUE TO THE DEPUTY ATTORNEY GENERAL ATTEMPTED TO INDUCE THE PLAINTIFF INTO A STATE OF DURESS BY THREATENING TO SUBJECT THE PLAINTIFFS GOOD TIME CREDITS TO SANCTION, FOR WHICH WAS THE STATE OF MIND THAT ATTORNEY GREGORY E. SMITH STAGED MOMENTS BEFORE, (PASSING THE BATON), TO THE ATTORNEY FOR DEFENDANT DR. FOSTER WHEN HE BEGAN DEPOSING THE PLAINTIFF, SAID CLAIMS DEFINE DELIBERATE INDIFFERENCE TOWARDS THE PLAINTIFFS PLIGHT, AS WELL AS A TOTAL DISREGARD TOWARDS THE HONORABLE COURTS PROCEDURES AND OR ORDERS. (SEE THE DEC 18, 2006 DEPOSITION TRANSCRIPT).



4.) THE PLAINTIFF HEREBY REQUEST THAT THIS HONORABLE COURT IMPOSE A PUNITIVE MONETARY SANCTION UP TO \$75,000.00, TO BE PROVIDED TO THE PLAINTIFF, AND OR UP TO (1) YEAR INCARCERATION.

5.) THE PLAINTIFF HEREBY REQUEST FOR THIS MOTION TO BE HEARD IN ACCORDANCE TO THIS HONORABLE COURTS SCHEDULE.

## CERTIFICATE OF SERVICE

I, THE UNDERSIGNED PLAINTIFF JIMMIE LEWIS  
DOE HEREBY CERTIFY ON THIS 4<sup>TH</sup>, DAY OF,  
JAN, 2007 THAT I DID MAIL ONE  
TRUE AND CORRECT COPY OF THE 1/04/07  
MOTION FOR ORDER OF DECLARATION FOR THE  
DEFENDANT DR. SYLVIA FOSTER'S CONTEMPT  
OF COURT ORDER'S DATED JULY 28, 06 DE. 72,  
AND SEPT 27, 06 DE. 83 PURSUANT TO RULE 37,  
TO THE FOLLOWING:

CLERK OF THE COURT (GMS)  
UNITED STATES DISTRICT COURT  
844 N. KING ST, LOCKBOX 18  
WILMINGTON, DELAWARE 19801

LOUIS J. RIZZO JR  
1001 JEFFERSON PLAZA, SUITE 202  
WILMINGTON, DELAWARE 19801

DATE: 1/04/07

Jimmie Lewis  
SBI # 506622  
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SMYRNA, DE 19977

IM Jimmie Lewis

SBI# 506622 UNIT D-4-2 23

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CLERK OF THE COURT (GMS)

UNITED STATES DISTRICT COURT

844 N. KING ST, LOCKBOX 18

WILMINGTON, DELAWARE

19801